

HOUSE BILL 3376

By Odom

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 3; Title 4 and Title 8, relative to merging the
registry of election finance and the Tennessee
ethics commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-104, is amended by adding the following language as a new, appropriately designated subsection:

(_) References to the registry of election finance and references to the Tennessee ethics commission are deemed references to the ethics and campaign finance registry.

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a)(82), is amended by deleting the subdivision in its entirety and by substituting instead the following language as a new subdivision (82):

(82) The ethics and campaign finance registry, created by § 2-10-203;

SECTION 3. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (52).

SECTION 4. Tennessee Code Annotated, Section 2-7-133, is amended by deleting the language "registry of election finance" and by substituting instead the language "ethics and campaign finance registry".

SECTION 5. Tennessee Code Annotated, Section 2-8-113, is amended by deleting the language "registry of election finance" and by substituting instead the language "ethics and campaign finance registry".

SECTION 6. Tennessee Code Annotated, Section 2-12-117, is amended by deleting the language "registry of election finance" and by substituting instead the language "ethics and campaign finance registry".

SECTION 7. Tennessee Code Annotated, Section 3-1-119, is amended by deleting the language “registry of election finance” and by substituting instead the language “ethics and campaign finance registry”.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting the language “registry of election finance” wherever it may appear and by substituting instead the language “ethics and campaign finance registry”.

SECTION 9. Tennessee Code Annotated, Section 2-10-203, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created as an independent entity of state government a Tennessee ethics and campaign finance registry. The registry shall be composed of eight (8) members appointed as provided herein. Appointments shall be made to reflect the broadest possible representation of Tennessee citizens. Of the eight (8) members appointed, at least one (1) shall be a female and one (1) shall be black. However, a black female shall not satisfy the requirement of one (1) female and one (1) black. Each member shall have been a legal resident of this state for five (5) years immediately preceding selection. Members shall be at least thirty (30) years of age, registered voters in Tennessee, not announced candidates for public office, not members of a political party's state executive committee, shall not have been convicted of an election offense, and shall be persons of high ethical standards who have an active interest in promoting fair elections. Gubernatorial appointees shall be subject to confirmation by joint resolution of the general assembly. Such appointees shall have full power to serve until any vote of nonconfirmation. Members serving on the registry of election finance upon the effective date of this act shall serve out the remaining balance of their terms as members of the ethics and campaign finance registry.

SECTION 10. Tennessee Code Annotated, Section 2-10-203(c), is amended by deleting subdivisions (2) and (3) and by substituting instead the following:

(2) The senate shall appoint three (3) members, with one (1) member to be chosen by the members of the senate democratic caucus, one (1) member to be chosen by the members of the senate republican caucus, and one (1) member to be chosen by the speaker of the senate; and

(3) The house of representatives shall appoint three (3) members, with one (1) member to be chosen by the members of the house of representatives democratic caucus, one (1) member to be chosen by the members of the house of representatives republican caucus, and one (1) member to be chosen by the speaker of the house of representatives.

SECTION 11. Tennessee Code Annotated, Section 2-10-108(b), is amended by designating the existing language as subdivision (1) and by adding the following language as subdivision (2):

(2)

(A) Any sworn complaint that is filed against a candidate in any state election, as defined in § 2-10-102, during the period from thirty (30) days immediately prior to the election through election day shall be considered filed but the ethics and campaign finance registry shall take no action relative to the complaint during this thirty-day period. In addition, the commission of ethics and election finance shall not initiate a complaint during the thirty-day period.

(B) During the thirty-day period, the registry shall stay any proceedings with regard to a complaint filed against a candidate more than thirty (30) days prior to voting for the election; provided, that the candidate may waive the postponement in writing.

(C) For purposes of this subdivision (b)(2), any provisions of this chapter setting time periods for initiating a sworn complaint or for performing any other action are considered tolled until after the election at which the candidate stands for elective office.

SECTION 12. Tennessee Code Annotated, Section 2-10-204, is amended by inserting the following language immediately following the first sentence of the section:

The executive director shall perform all supervisory and administrative duties required by the provisions of the statutes within the jurisdiction of the ethics and campaign finance registry.

SECTION 13. It is the intent of the general assembly that the current registry of election finance shall be the ethics and campaign finance registry. It is the intent of the general assembly that the executive director of the ethics and campaign finance registry, currently the executive director of the registry of election finance, shall perform the new supervisory and administrative duties required of the executive director by this act. It is the intent of the general assembly that the current staff of the Tennessee ethics commission shall continue to serve under the executive director of the newly created commission of ethics and campaign finance.

SECTION 14. Tennessee Code Annotated, Title 3, Chapter 6, is amended by deleting the language “ethics commission” wherever such language may appear and by substituting instead the language “ethics and campaign finance registry”.

SECTION 15. Tennessee Code Annotated, Title 3, Chapter 6, is amended by deleting the language "commission" wherever it may appear and by substituting instead the language "registry".

SECTION 16. Tennessee Code Annotated, Section 3-6-101, is amended by deleting such section in its entirety and substituting instead the following:

This chapter shall be known and may be cited as the “Governmental Ethics Reform Act”.

SECTION 17. Tennessee Code Annotated, Section 3-6-103, is amended by deleting such section in its entirety.

SECTION 18. Tennessee Code Annotated, Section 3-6-104, is amended by deleting such section in its entirety.

SECTION 19. Tennessee Code Annotated, Section 3-6-105, is amended by deleting subsection (e).

SECTION 20. Tennessee Code Annotated, Section 3-6-108, is amended by adding the language "pursuant to this chapter" immediately after the language "investigations".

SECTION 21. Tennessee Code Annotated, Section 3-6-116, is amended by deleting such section in its entirety.

SECTION 22. Tennessee Code Annotated, Section 8-50-501(a), is amended by deleting subdivision (17).

SECTION 23. Tennessee Code Annotated, Title 8, Chapter 50, Part 5, is amended by deleting the language "ethics commission" wherever such language may appear and by substituting the language "ethics and campaign finance registry".

SECTION 24. Tennessee Code Annotated, Section 8-50-501(b), is amended by deleting the language "commission" and by substituting instead the language "registry".

SECTION 25. Tennessee Code Annotated, Section 8-50-501(d)(3), is amended by deleting the language "commission" and by substituting instead the language "registry".

SECTION 26. Tennessee Code Annotated, Section 8-50-505, is amended by deleting the section in its entirety and by substituting instead the following language:

§ 8-50-505.

The ethics and campaign finance registry has the jurisdiction to administer and enforce the provisions of this part concerning disclosure statements of conflicts of

interests. This enforcement power includes the full range of powers and penalties and procedures established in title 2, chapter 10 and title 3, chapter 6.

SECTION 27. References to the registry of election finance and references to the Tennessee ethics commission appearing in the Tennessee Code Annotated shall be deemed to be references to the Tennessee ethics and campaign finance registry. The code commission is directed to change such references in the Tennessee Code Annotated as supplements are published and volumes are replaced. The code commission is authorized to make grammatical changes in the provisions of the Tennessee Code to effectuate such changes.

SECTION 28. This act shall take effect July 1, 2009, the public welfare requiring it.